

Congress of the United States
Washington, DC 20515

February 2, 2009

The Honorable Hillary Rodham Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Madam Secretary:

Congratulations on your confirmation as our new Secretary of State. We welcome your leadership in promoting America's security and standing in the world and look forward to working in partnership with you. As you begin your work, we hope that you will also focus on equalizing the internal State Department rules and regulations for lesbian, gay, bisexual, and transgender (LGBT) Foreign and Civil Service employees.

Recently, you received a letter from the group Gays and Lesbians in Foreign Affairs Agencies (GLIFAA), signed by over 2,200 government employees, expressing their concerns on this issue. As in the case of former Ambassador to Romania Michael Guest, the inequitable treatment of LGBT Foreign and Civil Service Officers (FSOs) and their partners should not be the reason why highly qualified employees leave the State Department at a time when their service is needed more than ever. Many of these inequities, however, could be remedied through your leadership as Secretary, without legislative changes.

As you may know, by not including same-sex partners in the definition of an "Eligible Family Member" (EFM), the Department excludes them from many of the State Department benefits, protections, and services afforded to family members of FSOs. These benefits are important to the safety, effectiveness, and morale of our communities abroad.

We are particularly concerned that the Department has not taken enough steps to assure the safety and security of non-EFM partners of FSOs. According to the State Department's own literature, 85% of FSOs are likely to be a victim of crime at some point during their overseas career. While same-sex partners are now allowed to take security classes through the Foreign Service Institute, their access is only on a space-available basis. Moreover, they are still denied access to embassy health services, even in countries where grave health crises exist. They are not included in protocols for the distribution of Tamiflu in the event of an avian flu outbreak, undercutting the most basic preventive step against a potential pandemic outbreak. Further, if an evacuation is

ordered, same-sex partners are financially responsible for their own evacuation – creating a frightening choice between safety and resources.

The lack of equitable treatment could force dedicated, intelligent, and needed FSOs and officials to make an unfortunate choice between serving their country and protecting their families. As you noted during the question and answer session of your Senate Foreign Relations confirmation hearing, many other nations now extend training, protection, and benefits to the partners of LGBT employees. Further, the State Department's past inattention to these disparities places it below parity with the best employment practices used in the private sector, where the majority of Fortune 500 companies extend employee benefit programs to cover the domestic partners. Without remedying these inequities, the State Department may fail to attract and retain qualified personnel.

Madam Secretary, we urge you to take the initiative in addressing these basic concerns, all of which can be handled through internal regulatory changes and would not require Congressional action. Your leadership in these policy areas would make a difference in the safety and morale of those who support American policy goals overseas:

- Inclusion in travel orders for same-sex domestic partners of FSOs
- Access to training, including all language classes, area studies, and embassy effectiveness classes for same-sex domestic partners of FSOs
- Emergency evacuation and medevac from post when necessary for same-sex domestic partners of FSOs
- Access to post health units for same-sex domestic partners of FSOs
- Visa support for same-sex domestic partners accompanying FSOs to overseas postings, and for same-sex foreign-born domestic partners accompanying FSOs to postings in Washington or elsewhere in the U.S.
- Preferential status for employment at post comparable to that enjoyed by EFM for same-sex domestic partners of FSOs

Many of these changes might be efficiently addressed through the inclusion of same-sex domestic partners under the definition of an EFM in the Foreign Service Standardized Regulation 040(m). None of the changes above are contrary to the letter or spirit of the Defense of Marriage Act.

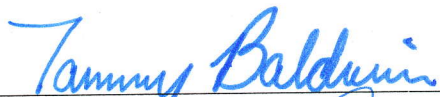
In addition to these issues, we ask you to consider leading the State Department in recognizing partners of diplomats from other countries while they serve in the United States. This offer of equality and hospitality can restore our nation's leadership role on lesbian, gay, bisexual, and transgender (LGBT) rights while bolstering our diplomatic efforts.

Also, we similarly hope you will provide guidance to U.S. Missions to the United Nations to enable American employees at the UN to designate their same-sex partners as domestic partners. It is our understanding that the UN will defer to the instructions of the relevant Permanent Mission of the country of origin of the staff member when deciding whether to grant benefits to same-sex partners of UN employees. While they

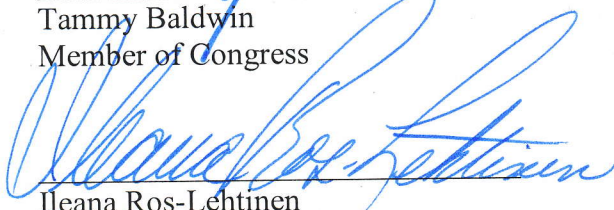
are not FSOs, these individuals lead dedicated lives of service, and deserve the opportunity to provide for their families.

During your confirmation hearing, you pledged to examine current policies relating to lesbian and gay employees at the State Department. As you work to advance America's national security and exemplify this great country's values around the world, we hope you will follow through on this pledge and also work to fully support your diverse workforce. Madam Secretary, we would be pleased to work with you in addressing these matters and look forward to your response. If you have any questions, please contact Amber Shipley of Rep. Baldwin's staff at 202-225-2906.

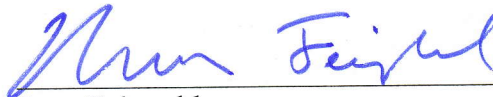
Sincerely,



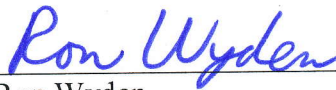
Tammy Baldwin
Member of Congress



Ileana Ros-Lehtinen
Member of Congress



Russ Feingold
U.S. Senator



Ron Wyden
U.S. Senator